

**Introduced by Senator Chesbro**

February 13, 2002

---

An act to amend Sections 798.4, 798.23, and 798.58 of the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1410, as introduced, Chesbro. Mobilehome parks: homeowners: renting.

Existing law, the Mobilehome Residency Act, defines a mobilehome park as land where 2 or more mobilehome sites are rented or offered for rent to accommodate mobilehomes for human habitation.

This bill would revise the definition of mobilehome park to include land where 2 or more mobilehomes are rented, or held out for rent, for human habitation.

Existing law provides that the owner of any park, and a person employed by the owner, is subject to all rules and regulations of the mobilehome park, with specified exceptions. Existing law defines management to mean the owner of a mobilehome park or an agent authorized to act on the owner's behalf in connection with park tenancy. Existing law further provides that these provisions do not validate, invalidate, or express a legislative policy regarding the subletting of a mobilehome park space by a tenant.

This bill would delete the provisions concerning the subletting of a mobilehome park space by a tenant and the status of legislative policy in this regard. The bill would instead provide that the management of a park may adopt rules permitting or prohibiting the renting of mobilehomes by homeowners, and if renting by homeowners is prohibited, management would also be precluded from doing so. If renting by homeowners is permitted, the bill would require

management to adopt a rule fixing the minimum term of a rental at 6 months, and would authorize management to adopt reasonable rules in this regard including, but not limited to, specified items. The bill would provide that its provisions do not apply to a rental agreement that explicitly prohibit or permit renting of mobilehomes entered into prior to January 1, 2003, notwithstanding a provision that incorporates mobilehome park rules and regulations into the rental agreement.

Existing law specifies the reasons for termination of a tenancy in a mobilehome park, and prohibits a tenancy in a mobilehome park from being terminated to make the homeowner's site available for a person who purchased a mobilehome from a park owner or his or her agent.

This bill would also prohibit a tenancy in a mobilehome park from being terminated to make the homeowner's site available for a person who purchased or proposes to purchase, or who rents or proposes to rent, a mobilehome from a park owner or the owner's agent.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 798.4 of the Civil Code is amended to  
2 read:

3 798.4. "Mobilehome park" is an area of land where two or  
4 more ~~mobilehome sites~~ *mobilehomes* are rented, or held out for  
5 rent, *for human habitation, or two or more mobilehome sites are*  
6 *rented, or held out for rent*, to accommodate mobilehomes used for  
7 human habitation, *or both*.

8 SEC. 2. Section 798.23 of the Civil Code is amended to read:

9 798.23. (a) The owner of the park, and any person employed  
10 by the park, shall be subject to, and comply with, all park rules and  
11 regulations, to the same extent as residents and their guests.

12 (b) ~~This Subdivision (a) of this section shall~~ does not apply to  
13 either of the following:

14 (1) Any rule or regulation that governs the age of any resident  
15 or guest.

16 (2) Acts of a park owner or park employee which are  
17 undertaken to fulfill a park owner's maintenance, management,  
18 and business operation responsibilities.

19 (c) ~~This section shall not affect in any way, either to validate or~~  
20 ~~invalidate, nor does this section express a legislative policy~~

~~judgment in favor of or against, the enforcement of a park rule or regulation which prohibits or restricts the subletting of a mobilehome park space by a tenant.~~ (1) *The management may adopt rules permitting or prohibiting renting of mobilehomes by homeowners in the park and rules requiring that mobilehomes in the park be occupied by their owners. If the management adopts rules prohibiting the renting of mobilehomes by tenants or rules requiring that mobilehomes be occupied by their owners, the management may not rent mobilehomes in the park. When adopting a rule permitting the renting of mobilehomes, the management shall adopt a rule stating that the minimum term of the rental shall be fixed at six months. The management may additionally adopt reasonable rules regarding implementation of the rules, including, but not limited to, the following:*

(A) *The management may approve the prospective renter.*

(B) *The renter may be required to comply with all rules and regulations of the park.*

(C) *The homeowner may remain liable for the mobilehome park rent and other park charges.*

(D) *Prior to termination of the homeowner's tenancy in the mobilehome park, the mobilehome owner shall be allowed to prosecute an action for unlawful detainer, pursuant to Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, in order to remove the renter from the mobilehome park for the renter's violation of the rules and regulations of the park.*

(E) *The failure of the mobilehome owner to secure the renter's compliance with the rules and regulations of the park may result in the termination of the homeowner's tenancy in the mobilehome park, in accordance with Section 798.56.*

(2) *This subdivision does not apply to a rental agreement entered into prior to January 1, 2003, that explicitly prohibits or permits renting of a mobilehome, notwithstanding a provision that incorporates mobilehome park rules and regulations into the rental agreement.*

SEC. 3. Section 798.58 of the Civil Code is amended to read:

798.58. ~~No~~ *Tenancy may only be terminated for reasons contained in Section 798.56, and a tenancy shall may not be terminated for the purpose of making a homeowner's site available for a person who purchased or proposes to purchase, or rents or*

- 1 *proposes to rent*, a mobilehome from the owner of the park or ~~his~~
- 2 *the owner's* agent.

O

